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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,016	09/17/2003	Tal Dayan	6041.P008	9130
8791	7590	09/30/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030				ZARROLI, MICHAEL C
ART UNIT		PAPER NUMBER		
		2839		

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/667,016	DAYAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael C. Zarroli	2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 September 2003.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/29/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1-3 should be designated by a legend such as --Prior Art--. See MPEP § 608.02(g).
2. Figures 7-8 and 11 are objected to because the cross hatching does not indicate the material correctly. See chapter 608 in the MPEP for details. Generally, an insulator has alternating thick and thin lines while a conductor has lines all the same width.
3. Corrected drawings for the above objections in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the vertical and horizontal direction of the contact must be shown or the feature(s) canceled

from the claim(s). No new matter should be entered. **Figure 8 seems to be showing vertical and horizontal movement, but how can there be movement along 813 since the sides of 802 are flush with 816? Maybe figure 6 is showing vertical and horizontal movement; can't 602A move in a direction between 612 and 613? See 112 rejection below.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any

required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

5. Claim 9 objected to because of the following informalities: The confusing word, “extermobile.” Appropriate correction is required.
6. Claim 10 objected to because of the following informalities: In line 2 “contact” should be plural? Appropriate correction is required.
7. Claim 9 objected to under 37 CFR 1.75 as being a substantial duplicate of claim 4. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-9 and, 11-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 it's not clear that the "apparatus" is being positively recited. Is the applicant also claiming the "replacement unit?" Examiner will interpret the preamble to read --apparatus assembly--.

In claims 11 and 12 it is not clear what direction vertical and horizontal are? To what are they referenced? Isn't the vertical direction the same as perpendicular? The examiner will interpret as such.

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-2 and, 8 (as best understood) rejected under 35 U.S.C. 102(b) as being anticipated by Lee.

Lee discloses a mobile electronic apparatus (30) comprising: a replacement unit (40) to be fitted with the apparatus (fig. 3), the replacement unit including integrated external electrical contacts (43, 44) to receive power from a separate pad of contacts (33, 34).

Regarding claim 2 Lee discloses that the replacement unit is a battery pack (col. 2 line 25).

Regarding claim 8 Lee discloses that the mobile apparatus is a video camera (fig. 3).

12. Claims 10, 11 and, 13 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Siwiak.

Siwiak discloses a mobile electronic apparatus (12) comprising: one or more external electrically conductive contacts (16) to receive power from a separate pad (24) of multiple contacts (18), the contact being spring loaded (fig. 2) to provide the contact with a range of motion.

Regarding claims 11 and, 13 (as best understood) Siwiak discloses that the contact is moveable in a perpendicular/vertical direction relative to the apparatus (fig. 2 contact 16 moves into the apparatus).

***Claim Rejections - 35 USC § 103***

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 3 (as best understood) rejected under 35 U.S.C. 103(a) as being unpatentable over Lee as applied to claim 1 above, and further in view of Williams et al.

Lee does not disclose that the replacement unit could be a face plate.

Willaims discloses a face plate (108 or 122) covering contacts on a mobile apparatus.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify Lee to be capable of accommodating a face plate capable of fitting with the video camera as taught by Williams. Lee provides motivation for this modification because there will be times when the battery pack of Lee is not connected and in those situations the contacts will need to be protected.

16. Claims 4, 5 and, 9 (as best understood) rejected under 35 U.S.C. 103(a) as being unpatentable over Lee as applied to claim 1 above, and further in view of admitted art.

Lee does not disclose that the mobile apparatus is a mobile phone or notebook computer.

On page 2 of the specification (paragraphs 0002 and 0003) the applicant makes it clear that it is well known to have mobile devices that would need some type of replacement unit (**as claimed** in claim 1) to power them.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to utilize the replacement unit as claimed to be fitted with either a notebook computer or cell phone. The motivation for this modification would be

to increase the applicability of the claimed replacement unit and therefore maximize profits of the invention.

17. Claims 6 and 7 (as best understood) rejected under 35 U.S.C. 103(a) as being unpatentable over Lee as applied to claim 1 above, and further in view of Kikinis.

Lee does not disclose that the mobile apparatus is either a PDA or digital camera. Kikinis discloses a mobile apparatus being either a PDA (37) or a digital camera (abstract 1st sentence).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to utilize the replacement unit as claimed to be fitted with either a PDA or digital camera. The motivation for this modification would be to increase the applicability of the claimed replacement unit and therefore maximize profits of the invention.

18. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Siwiak as applied to claim 10 above, and further in view of Kreisinger.

Siwiak does not disclose that the contact is moveable horizontally. Kreisinger discloses a contact that is moveable horizontally, as well as vertically/perpendicularly (26 in fig. 4).

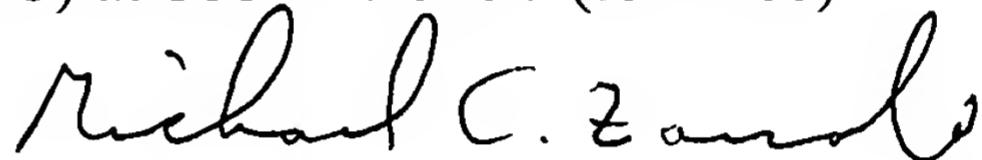
At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify Siwiak's contacts to be able to move horizontally as taught by Kreisinger. The motivation for this modification would be to reduce friction and therefore where and tear of the connecting system of Siwiak.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Zarroli whose telephone number is 571-272-2101. The examiner can normally be reached on 7:30 to 3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, T.C. Patel can be reached on (571) 272-2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael C. Zarroli  
Primary Examiner  
Art Unit 2839

  
MCZ